

BRIAN DICKERSON: XL spirit gives way to small-minded Senate

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It took just 36 hours for Michigan's Republican-controlled state Senate to shake off its Super Bowl euphoria and get back to doing what it does best: driving a wedge between Detroit and its suburbs.

The vehicle was a bill by state Sen. Laura Toy, R-Livonia, seeking to establish a new, suburb-dominated authority to oversee the Detroit Water and Sewerage Department, the city-owned utility that serves about 4.6 million ratepayers throughout southeast Michigan.

Control of the water system has long been a sensitive point of contention between Detroit and its suburbs. Suburban politicians agitate for a bigger operational role while their Detroit counterparts warn against a school board-style state takeover.

Last month, U.S. District Judge John Feikens, who has supervised the water system's compliance with federal antipollution laws for nearly three decades, made an earnest effort to turn down the heat.

Judge's plea falls on deaf ears

In a ruling denying Oakland County's request for appointment of an oversight committee weighted in favor of suburban customers, Feikens warned that any legislative takeover would likely violate the state constitution. He urged the parties to explore arrangements under which Detroit's suburban customers could purchase equity in the department, in exchange for a greater voice in its operation.

The tension between the city and its water customers "will not be solved by legislation or litigation," the judge wrote. "It demands cooperation on the part of the southeast Michigan communities, and the agreement by the DWSD to modify the protection given to it by the state's constitution."

SB 372, which passed Tuesday on a party-line vote with only Warren Democrat Dennis Olshove joining the Republican majority, attempts to impose the same suburb-heavy oversight board Feikens rejected last month. Although its language was altered, Toy's initiative is essentially the sort of unilateral, strong-arm approach the court warned against. It seems likelier to exacerbate tensions than to provide a viable framework for resolving disputes over water rates.

Posturing doomed to fail

"It's not an approach we support," Gov. Jennifer Granholm's spokeswoman Liz Boyd said Tuesday, noting that Granholm vetoed similar legislation last year. "We'd prefer that lawmakers concentrate on issues on which there is more bipartisan agreement."